

§ 1918.5

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[64 FR 61506, Nov. 12, 1999]

§ 1918.5 Compliance duties owed to each employee.

(a) *Personal protective equipment.* Standards in this part requiring the employer to provide personal protective equipment (PPE), including respirators and other types of PPE, because of hazards to employees impose a separate compliance duty with respect to each employee covered by the requirement. The employer must provide PPE to each employee required to use the PPE, and each failure to provide PPE to an employee may be considered a separate violation.

(b) *Training.* Standards in this part requiring training on hazards and related matters, such as standards requiring that employees receive training or that the employer train employees, provide training to employees, or institute or implement a training program, impose a separate compliance duty with respect to each employee covered by the requirement. The employer must train each affected employee in the manner required by the standard, and each failure to train an employee may be considered a separate violation.

[73 FR 75588, Dec. 12, 2008]

Subpart B—Gear Certification

§ 1918.11 Gear certification (See also §§ 1918.2, definition of “Vessel’s cargo handling gear” and 1918.51).

(a) The employer shall not use the vessel’s cargo handling gear until it has been ascertained that the vessel has a current and valid cargo gear register and certificates that in form and content are in accordance with the recommendations of the International Labor Office, as set forth in appendix I of this part, and as provided by International Labor Organization Convention No. 152, and that shows that the cargo gear has been tested, examined

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and heat treated by or under the supervision of persons or organizations defined as competent to make register entries and issue certificates pursuant to paragraphs (b) and (c) of this section.

(1) Annual thorough examinations under ILO 152 are required after July 27, 1998.

(2) Testing under ILO 152 is required after July 16, 2001.

(3) In the interim period(s), prior to the effective dates noted in paragraph (a) (1) and (2), vessels with cargo gear and a cargo gear register according to ILO 32 are deemed to meet the requirements of this paragraph (a).

(b) Public vessels and vessels holding a valid Certificate of Inspection issued by the U.S. Coast Guard pursuant to 46 CFR part 91 are deemed to meet the requirements of paragraph (a) of this section.

(c) With respect to U.S. vessels not holding a valid Certificate of Inspection issued by the U.S. Coast Guard, entries in the registers and the issuance of certificates required by paragraph (a) of this section shall be made only by competent persons currently accredited by the U.S. Department of Labor (OSHA) for full function vessels or loose gear and wire rope testing, as appropriate, as provided in part 1919 of this chapter.

(d) With respect to vessels under foreign registries, persons or organizations competent to make entries in the registers and issue the certificates required by paragraph (a) of this section shall be:

(1) Those acceptable as such to any foreign nation;

(2) Those acceptable to the Commandant of the U.S. Coast Guard; or

(3) Those currently accredited by the U.S. Department of Labor (OSHA), for full function vessels or loose gear and wire rope testing, as appropriate and as provided in part 1919 of this chapter.

Subpart C—Gangways and Other Means of Access

§ 1918.21 General requirements.

The employer shall not permit employees to board or leave any vessel, except a barge or river towboat, until